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IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS VICTORIA DIVISION

DARRELL GENE OLSOVSKY, #1720783	§	
	§	
V.	§	CIVIL ACTION NO. V-13-070
	§	
WILLIAM STEPHENS, DIRECTOR	§	

REPORT AND RECOMMENDATION

On October 21, 2013, this Court ordered Petitioner, Darrell Gene Olsovsky, to show cause, on or before November 22, 2013, why his Petition for Writ of Habeas Corpus should not be dismissed for failure to exhaust his state court remedies. To date, Olsovsky has not responded to the Court's Order. The Court, therefore, assumes that Olsovsky concedes that he has not exhausted all of his habeas claims in the state court system.

It is, therefore, the **RECOMMENDATION** of this Court that the "Petition for Writ of Habeas Corpus of a Person in State Custody" of Petitioner, Darrell Gene Olsovsky, be **DISMISSED**, without prejudice to the filing of a future petition once he has exhausted all of his state court remedies.

The Clerk **SHALL** send a copy of this Report and Recommendation to the Parties who **SHALL** have until **Friday**, **January 10**, **2014**, to have written objections, filed pursuant to 28 U.S.C. §636(b)(1)(C), **physically on file** in the Office of the Clerk. <u>The Objections SHALL</u> be electronically filed and/or mailed to the Clerk's Office at P.O. Drawer 2300, <u>Galveston</u>, <u>Texas 77553</u>. Failure to file written objections within the prescribed time **SHALL** bar any Party from attacking on appeal the factual findings and legal conclusions accepted by the District Judge, except upon grounds of plain error.

DONE at Galveston, Texas, this _____ 10th ____ day of December, 2013.

John R. Froeschner United States Magistrate Judge